

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Daniel Tafolla Jr.

PRINCIPAL

Case Number:

YOB: 1984

M-18- 2152 -M

United States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 19, 2018 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Omar Daniel Sainz-Hernandez, a citizen of Mexico, and Wilmer Adonay Mendoza-Sanchez, a citizen of Honduras, along with two (2) other undocumented aliens, for a total of four (4), who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Los Ebanos, Texas to the point of arrest near Sullivan City, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On October 19, 2018, agents at the McAllen Border Patrol Station advised field agents of a camera activation in Los Ebanos, TX. The image displayed two subjects traveling north, away from the Rio Grande River, near the Los Ebanos Duty Free. This area is known by agents and local law enforcement to be a frequently used route by human and narcotic smugglers due to its proximity to the Rio Grande River, the dense brush, and direct connection to roadways.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on October 20, 2018.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

/s/ Jon Chan

Signature of Complainant

Sworn to before me and subscribed in my presence

Jon M. Chan

Senior Patrol Agent

Printed Name of Complainant

October 20, 2018 - 3:37 P.M.
Date

at McAllen, Texas
City and State

Juan F. Alanis, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18-2152 -M

RE: Daniel Tafolla Jr.

CONTINUATION:

A nearby Border Patrol Agent responded to the activation. Upon traveling south towards the activation, the agent observed a Maroon Chevrolet Tahoe traveling north at a speed that appeared to be above the posted 20 miles per hour speed limit. The agent noticed the Tahoe was occupied by a driver, later identified as Daniel TAFOLLA Jr., and a single rear passenger; which appeared peculiar, being that the front passenger seat was vacant. The agent recognized that there were no other vehicles on the road and took into consideration the down time of the camera activation, which was consistent with the drive time and location of the Tahoe.

The agent activated his service vehicle's emergency equipment and, after approximately five hundred feet, the Tahoe eventually came to a stop. The agent approached TAFOLLA and identified himself as a Border Patrol Agent. TAFOLLA presented the agent with a commercial driver's license and identified himself as a United States Citizen. The agent noticed two rear passengers and conducted an immigration inspection on both passengers. Both passengers admitted to being illegally present in the United States. The agent placed TAFOLLA under arrest and placed him in his service vehicle.

With the assistance of a Texas Department of Public Safety Trooper and a Sullivan City Police Officer, the agent opened the rear cargo door of the Tahoe and located two additional subjects attempting to conceal themselves under blankets. The two additional subjects admitted to being illegally present in the United States. The agent noticed that one of the subjects matched the description of a subject in the camera image.

All five subjects were placed under arrest and transported to the McAllen Border Patrol Station for processing. At the Border Patrol Station, record checks were conducted on TAFOLLA which revealed that TAFOLLA was arrested at the Falfurrias Border Patrol checkpoint on October 4, 2018, transporting six undocumented aliens.

PRINCIPAL STATEMENT:

Daniel TAFOLLA Jr., a United States Citizen, was advised of his Miranda Rights. TAFOLLA stated he understood his Rights, and agreed to provide a sworn statement without the presence of an attorney.

TAFOLLA stated he was offered \$300 (USD) to pick up illegal aliens. TAFOLLA indicated he needed the money because he's been out of work. TAFOLLA claimed he was being directed over the phone regarding the location of the aliens. TAFOLLA stated that once he was at the pickup location, the aliens boarded his vehicle and he was eventually stopped.

MATERIAL WITNESSES STATEMENTS:

Omar Daniel SAINZ-Hernandez and Wilmer Adonay MENDOZA-Sanchez were advised of their Miranda Rights. Both understood their Rights and agreed to provide a sworn statement without the presence of an attorney.

SAINZ, a citizen of Mexico, claimed his friend made his smuggling arrangements and paid \$1,000 (USD) upfront. SAINZ stated he crossed the river along with five other people. After crossing the river, they were guided to the pickup location and were informed that someone would arrive to pick them up. SAINZ stated they waited a few hours before a maroon SUV arrived and they ran towards it. Once inside the vehicle, the driver instructed them to duck down and instructed two of them to go to the back of the vehicle.

SAINZ identified TAFOLLA, through a photo lineup, as the driver of the vehicle.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

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RE: Daniel Tafolla Jr.

CONTINUATION:

MENDOZA, a citizen of Honduras, claimed he was to pay \$6,000 (USD) to be smuggled into the United States. After crossing the river with four others, they were guided through the brush to the pickup location. MENDOZA stated the foot guide told them a truck would be picking them up. Once the truck arrived, the driver instructed them to get in. MENDOZA described the driver as being slightly overweight.